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10	UNITED STATES DISTRICT COURT				
11	WESTERN DISTRICT OF WASHINGTON AT SEATTLE				
12	SADAK FIDOW, an individual,				
13	Plaintiff,	NO.			
14	v.				
15 16	NORTH STAR FISHING COMPANY, LLC, a Washington limited liability company,	COMPLAINT FOR DAMAGES			
17	Defendant.				
18					
19					
20	COMES NOW the plaintiff, Sadak Fidow, by and through his attorney of record, Daniel R				
21	Whitmore, and alleges the following claim for relief against the defendant.				
22	I. <u>PARTIES</u>				
	1.1 Plaintiff Sadak Fidow ("Fidow") is an individual that is a citizen of the State of				
23	Minnesota.				
24					
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1.2 Defendant North Star Fishing Company, LLC ("North Star") is a limited liability company formed under the laws of the State of Washington. Defendant has its principal place of business in the State of Washington. Defendant may be served with process by serving its registered agent Mundt MacGregor, LLP at 271 Wyatt Way Northeast in Bainbridge Island, Washington.

II. JURISDICTION AND VENUE

- 2.1 This is an action by a seaman against the owners and operators of the vessel F/T North Star for personal injuries sustained while the Plaintiff was acting in the scope of his employment. This lawsuit seeks damages in excess of \$75,000, exclusive of costs and interest.
- 2.2 At all times material hereto, the North Star was in navigable waters, fully operational, and able to be set in motion on its own power.
- 2.3 This Court has jurisdiction over this claim pursuant to 28 USC §1331 because Plaintiff's claims are based in whole or in part on the Jones Act 46 USC §30104.
- 2.4 In the alternative, this Court has jurisdiction over this claim pursuant to 28 USC §1332 because the matter in controversy exceeds \$75,000, exclusive of costs and interest, and is between citizens of different states.
- 2.5 Venue is proper in the Western District of Washington per 28 USC §1391(b)(1) and (c)(2).

III. <u>FACTS</u>

- 3.1 Defendant North Star owned, operated and hired the crew for the vessel F/T North Star.
- 3.2 Plaintiff Fidow was employed by defendant at all relevant times in the capacity of processor and as a member of the crew of the F/T North Star.

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3.3	On February 9, 2022, at appro	eximately 12:20 p.m.,	the F/T North	Star was docke	c
at or around th	e Kloosterboer Dutch Harbor o	cold storage facility in	ı Unalaska, Ala	ıska.	

- 3.4 While it was docked, the F/T North Star remained in navigable waters, fully operational and able to be set in motion on its own power.
- 3.5 At the above referenced time and place, the crew of the F/T North Star were offloading containers of frozen fish from the vessel and into the Koosterboer cold storage facility.
- 3.6 The above-referenced offload was supervised and controlled by members of the F/T North Star's crew.
 - 3.7 Plaintiff Fidow was directed to assist with the offload.
- 3.8 As part of the offload, containers of frozen fish were placed on pallets and then secured using plastic shrink wrap.
- 3.9 During the offload, a forklift operator lowered a loaded pallet too quickly, causing it to strike the ground and the containers of fish to break free of the plastic shrink wrap.
- 3.10 Plaintiff Fidow and other members of the crew were directed to move the subject containers of fish onto a different pallet. While doing so, one of his feet became entangled in plastic shrink wrap, causing him to fall while holding a container of fish and sustain serious personal injuries, including but not limited to multiple fractures to the bones in his left hand.
- 3.11 At all times material hereto, the above-referenced forklift operator was an employee and/or common law agent of Defendant North Star acting in the course and scope of his employment and/or agency.
- 3.12 At all times material hereto, the person or persons who covered the subject pallet with plastic shrink wrap were employees and or common law agents of Defendant North Star acting in the course and scope of their employment.

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3.13 Prior to this incident, Plaintiff Fidow and other members of the crew had not received the training needed to safely offload product from the ship and into cold storage. This includes but is not limited to training in the safe operation of forklifts, the correct methods for securing containers of frozen fish on pallets with plastic shrink wrap, and the correct methods for safely working around tripping hazards.

3.14 At all times material hereto, Plaintiff Fidow and other crew members involved in the offload did not receive necessary supervision and direction from Defendant's officers and managers who were supervising and controlling the offload.

IV. FIRST CAUSE OF ACTION – UNSEAWORTHINESS

4.1 Plaintiff Fidow's injuries were caused by Defendant North Star's breach of its absolute duty to furnish a seaworthy vessel. Defendant's vessel was unseaworthy because its crew was inadequate and insufficiently trained in the tasks required by the operation being conducted at the time of Plaintiff's injury, and because it lacked the proper gear, equipment, and appurtenances required by the operation being conducted at the time of Plaintiff's injury.

V. SECOND CAUSE OF ACTION – JONES ACT

5.1 Plaintiff Fidow's injuries were suffered in the course of his employment and were caused by the negligence of Defendant North Star and its officers, agents, and/or employees. Said negligence includes failing to provide Plaintiff with a safe place to work; failing to properly conduct, supervise, direct and/or control the operation being conducted at the time of Plaintiff's injury; such other acts of negligence to be proved at the time of trial.

VI. <u>DAMAGES</u>

6.1 As a result of the foregoing, Plaintiff Fidow was caused to sustain serious and painful injuries, including but not limited to severe injuries to his left hand. He has suffered severe COMPLAINT FOR DAMAGES -4

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1	physical pain and keen mental anguish; he has required hospitalization and medical care, including		
2	surgery, for this injuries and the serious residuals thereof; he has been disabled from resuming the		
3	duties of his employment; and he has been impaired in other activities. He has sustained damages		
4	including but not limited to:		
5	a. Physical pain and mental anguish in the past and future;		
6	b. Medical expenses, past and future;		
7	c. Lost earnings, past and future;		
8	d. Damage to earning capacity;		
9	e. Physical impairment, past and future;		
11	f. Pain and suffering, past and future		
12			
13	VII. <u>JURY DEMAND</u>		
14	7.1 Plaintiff demands a jury trial of all issues triable by right by jury.		
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1	VIII. <u>PRAYER</u>		
2	8.1 Ba	Based on the foregoing, Plaintiff Fidow asked for judgment against Defendant	
3	North Star for the following:		
4	a.	Actual damages of \$1.5 million or in such amount as is proved at the time	
5	of trial;		
6	b.	Reasonable attorney's fees, costs, and prejudgment interest;	
7	c.	Such additional relief the Court deems just and proper.	
8	DATED this 2d day of February, 2023		
10		A AND OFFICER OF DANGER D. WINNELLONE, D.	
11		LAW OFFICES OF DANIEL R. WHITMORE, PS	
12		/s/ Daniel R. Whitmore	
13		Daniel R. Whitmore, WSBA No.24012 Attorney for Plaintiff	
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